

On motion and just terms, the court may relieve a party or its legal representative from a final judgment, order, or proceeding for the following reasons: (1) mistake, inadvertence, surprise, or excusable neglect; (2) newly discovered evidence that, with reasonable diligence, could not have been discovered in time to move for a new trial under Rule 59(b); (3) fraud ..., misrepresentation, or misconduct by an

opposing party; (4) the judgment is void; (5) the judgment has been satisfied, released, or discharged; it is based on an earlier judgment that has been reversed or vacated; or applying it prospectively is no longer equitable; or (6) any other reason that justifies relief.

Because petitioner's motion was not filed within 28 days from the date of the judgment, the motion is untimely under Rule 59. Further, even affording the motion consideration under the more liberal Rule 60(b), the court is of the opinion that the motion fails to set forth a meritorious ground warranting relief. Accordingly, petitioner's motion should be denied.

ORDER

For the reasons set forth above, petitioner's motion to alter or amend judgment should be denied. It is

ORDERED that petitioner's motion to alter or amend judgment (#64) is **DENIED**.

SIGNED at Beaumont, Texas, this 27th day of November, 2024.



MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE